

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading _____	Waiver 3-Reading Rule _____
ORDINANCE NO: __2015-7-19	Yes <u>X</u>	Second Reading _____	Yes _____
INTRODUCED BY <u>J. MILLER</u>	No _____	Third Reading <u>X</u>	No <u>X</u>

**ORDINANCE AMENDING CODIFIED ORDINANCES CHAPTER 121
REGARDING COUNCIL ORGANIZATION AND DECLARING AN EMERGENCY**

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, Summit County, Ohio as follows:

Section 1: That the specified portions of Codified Ordinance 121.02(b)(2) be hereby amended with the following language:

121.02(b)(2) The President Pro Tempore will act in the Absence of the Mayor; and[.]

Section 2: That the specified portions of Codified Ordinance 121.02(c) be hereby replaced and established with the following language:

(c)(1)(A) Finance Committee.

(c)(1)(F) Community Development Committee.

Section 3: That the specified portions of Codified Ordinance 121.02(c)(3) be hereby amended with the following language:

(c)(3) Standing Committees shall consist of three members unless the amount of work presented to such committee requires that the committee be extended to such number of members as is necessary. In Standing Committees made up of three members, two votes shall constitute a majority vote.

Section 4: That the specified portions of Codified Ordinance 121.02(d)(3) be hereby amended with the following language:

(d)(3) Special meetings of Council may be called at other times by the Mayor, the President Pro Tempore or by any three members of Council.

Section 5: That the specified portions of Codified Ordinance 121.02(e) be hereby amended with the following language:

(e)(4) Reading of Minutes. The minutes of the previous meeting of Council may be read in full upon request by any member of Council, unless prior written minutes are sent to each Council Member. Such minutes may be approved without reading.

(e)(6)(A) Call to Order;

(e)(6)(B) Roll Call/Determination of Quorum;

(e)(6)(C) Adoption of the Agenda;

(e)(6)(D) Open Forum;

(e)(6)(E) Correspondence;

(e)(6)(F) Approval of Minutes of the Previous Meeting;

Section 6: That the specified portions of Codified Ordinance 121.02(e)(6)(O) be hereby established with the following language:

(e)(6)(O) Any further action as needed; and[.]

Section 7: That the specified portions of Codified Ordinance 121.02(f) be hereby amended with the following language:

(f)(2) Motion to reconsider. A motion to reconsider a subject that may have been acted upon favorably must be made before adjournment of that two (2) year session of Council. A motion to reconsider on any other subject may be made not later than the next regular meeting after such action was taken. A motion to reconsider may only be made by a member who voted with the winning or prevailing side. A motion to reconsider shall be in order at any time except when a motion on some other subject is standing.

(f)(5) Motion for the previous question. The motion for the previous question shall require a two-thirds vote of all members elected to Council; shall be considered only once; may be renewed after intervening business; shall take precedence over all debatable questions and shall be in order to prevent amendment of undebatable questions. When the previous question is moved and seconded by one other member, it shall be put as follows: "Move the previous question?" There shall be no further amendment or debate but pending amendments shall be put in their order before the main question. If the previous question be decided in the negative, the main question remains before the Council.

Section 8: That the specified portions of Codified Ordinance 121.02(g) be hereby amended with the following language:

(g) Suspension of Rules Relating to Reading Resolutions and Ordinances. Resolutions and ordinances of a permanent or general nature must be fully read on three

different days unless the rules are dispensed with, pursuant to R.C. 731.17, upon an affirmative vote of three-fourths of all members of Council. The vote on such suspension shall be taken by yeas and nays, separately on each resolution or ordinance, and the Fiscal Officer shall enter such vote in the minute book together with the names of members voting yea and nay.

Section 9: That the specified portions of Codified Ordinance 121.03(b) be hereby amended with the following language:

- (b)(1) Mayor;
- (b)(2) Fiscal Officer;
- (b)(3) Police Department;
- (b)(4) Road Department/Village Engineer; and,
- (b)(5) Zoning Inspector.

Section 10: That the specified portions of Codified Ordinance 121.05(c) & (d) be hereby established with the following language:

(c) For Council terms beginning January 1, 2016, and for all succeeding terms thereafter, each member shall receive two hundred and fifty dollars (\$250.00) for each month.

(d) For Council terms beginning January 1, 2018, and for all succeeding terms thereafter, each member shall receive two hundred and fifty dollars (\$250.00) for each month.

Section 11: That nothing in this ordinance or the alterations made herein change or alter the language of Codified Ordinance Chapter 121 that is not specifically enumerated or amended in this Ordinance.

Section 12: That this Ordinance is in the best interests and public safety of the Village of Boston Heights and its residents.

Section 13: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 14: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Council, and other departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:



BILL GONCY, MAYOR



BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance **2015-7-19** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **13th day of October, 2015.**

**Need Correct Attachment
Exhibit A**

**CHAPTER 121
Council**

121.01	Applicability of Rules
121.02	Rules of Council
121.03	Reports to Council
121.04	Use of Village Stationery
121.05	Pay Scale

121.01 APPLICABILITY OF RULES.

The rules and regulations in Section 121.02 are established for all meetings of Council and all other boards, commissions and other organizations established by Council.

121.02 RULES OF COUNCIL.

(a) All Meetings Open to Public. All meetings of Council and any other board or commission established by Council, shall be public meetings open to the public at all times. No resolution, rule, regulation or formal action of any kind shall be adopted at any executive session of Council or any such board, commission, agency or authority.

(b) Organizational Meeting. The organization of Council shall be as follows:

(1) Members of Council shall, within the first ten (10) days of January each year, conduct an organizational meeting and organize with the election Council's President Pro Tempore. Other matters may also be addressed at the annual organizational meeting; and,

(2) The President Pro Tempore will act in the absence of the Mayor; and,

(3) The Fiscal Officer, or designee, shall attend all council meetings, regular and special, record all proceedings, prepare an agenda for every council meeting, attend to all correspondence mailed to the office, and perform such other duties as may be assigned by a majority vote of Council; and,

(4) If an ordinance enacted by Council is changed or varied by amendment or otherwise and is different from the copy presented to the members of Council at the Council meeting, such amended, varied or changed ordinance shall be attached to the minutes submitted to the Mayor and members of Council before being inserted in the official record of ordinances.

(c) Standing Committees.

- (1) The Standing Committees of Council are:
A. Finance Committee.

- B. Roads Committee.
- C. Public Safety Committee (Police & Fire).
- D. Lands and Buildings Committee.
- E. Cemetery Committee.
- F. Community Development Committee.

(2) Prior to the annual organizational meeting held by Council, each member of Council shall, in writing, present the name of the committee or committees that he desires to be placed upon. After due consideration of all requests, Council shall, at that meeting or thereafter, appoint the members of all committees by resolution, duly enacted by a majority of members elected to Council.

(3) Standing Committees shall consist of three members unless the amount of work presented to such committee requires that the committee be extended to such number of members as is necessary. In Standing Committees made up of three members, two votes shall constitute a majority vote.

(d) Time and Place of Regular and Special Meetings.

(1) Regular meetings of Council shall be in the Council Chambers at 7:00 p.m. on the second Tuesday of each month.

(2) When any regular meeting of Council falls on a legal holiday, no meeting shall be held on such holiday but instead Council shall set another date within the same month for holding the regular meeting.

(3) Special meetings of Council may be called at other times by the Mayor, the President Pro Tempore or by any three members of Council.

(4) Written notice of a special meeting must be served through email, personally or left at the usual place of residence of each member of Council and the Mayor at least twelve hours prior to such meeting. The written notice of a special meeting shall contain a resume of subject matter to be considered at such meeting and no other subject matter may be considered.

At least twenty-four hours prior to a special meeting, the notice of such meeting including a resume of legislation to be considered shall be posted on the Village Hall bulletin board. (Adopting Ordinance)

(5) Regular Finance Committee meetings of Council shall be in the Council Chambers at 7:00 p.m. on the fourth Tuesday of each month, except for the month of December, when the meeting will be held on the third Tuesday.

(6) Council shall adopt and adhere to a public notification rule consistent with Revised Code 121.22(F).

(e) Conduct of Meetings.

(1) Agenda. The Fiscal Officer shall prepare an agenda to be brought before Council. The agenda shall be given to the members of Council and officers and to the Solicitor at least two days prior to meetings. Council Members should inform the Fiscal Officer at least three days prior to the meeting of ordinances or resolutions that require preparation.

(2) Call to order. The Mayor, or in his absence, the Pro Tempore, shall take the chair at the hour appointed for the meeting, and shall immediately call Council to order.

(3) Roll call. The Fiscal Officer of Council shall call the roll of the members, and the names of those present shall be entered in the minutes.

(4) Reading of minutes. The minutes of the previous meeting of Council may be read in full upon request by any member of Council, unless prior written minutes are sent to each Council Member. Such minutes may be approved without reading.

(5) Quorum and procedure. A majority of the members of Council shall constitute a quorum for the transaction of any business at any meeting of Council, but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. At any meeting at which a quorum is present, any ordinance or resolution may be passed or adopted and any other action may be taken by the affirmative votes of four members of Council unless a larger number is required by the laws of Ohio or Chapter 105 of these Codified Ordinances.

(6) Order of business. All meetings of Council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of Council, Fiscal Officer, Mayor, and Solicitor shall take their regular stations in the Council Chambers and unless otherwise provided in law and/or act of Council. The business of Council shall be taken up for consideration and disposition in the following order:

- A. Call to Order;
- B. Roll Call/Determination of Quorum;
- C. Adoption of the Agenda;
- D. Open Forum;
- E. Correspondence;
- F. Approval of the Minutes of the Previous Meeting;
- G. Introduction, discussion and approval of Ordinances;
- H. Introduction, discussion and approval of Resolutions;
- I. Mayor Report;
- J. Fiscal Officer Report;
- K. Boards and Departments Reports;
- L. Old Business;
- M. New Business;
- N. Executive Session;

- O. Any Further Action as needed; and,
- P. Adjournment

(f) Motions.

(1) Receiving motion when question is before Council. When a question or a proposal is before Council or under debate, or when a motion has been made, no motions shall be received except the following:

- A. To adjourn (not debatable);
- B. To table the motion - lay it aside until later (not debatable);
- C. To request that discussion end, and that any motion being considered be voted on (previous question, as it is usually called) (not debatable);
- D. To postpone any action on a motion until some stated future time;
- E. To refer the proposal to a standing or special committee;
- F. To amend the main motion;
- G. To postpone any action for an indefinite time.

(2) Motion to reconsider. A motion to reconsider a subject that may have been acted upon favorably must be made before adjournment of that two (2) year session of Council. A motion to reconsider on any other subject may be made not later than the next regular meeting after such action was taken. A motion to reconsider may be made only by a member who voted with the winning or prevailing side. A motion to reconsider shall be in order at any time except when a motion on some other subject is standing.

(3) Motion to take from the table. A motion to take from the table shall be in order when that order of business is being transacted in which such matter to be taken up was laid upon the table, or under the heading of new or miscellaneous business, and such motion shall be decided without debate, provided the mover may be permitted to state briefly his reasons for the motion.

(4) Motion to postpone indefinitely. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

(5) Motion for the previous question. The motion for the previous question shall require a two-thirds vote of all members elected to Council; shall be considered only once; may be renewed after intervening business; shall take precedence over all debatable questions and shall be in order to prevent amendment of undebatable questions. When the previous question is moved and seconded by one other member, it shall be put as follows: "Move the previous question?" There shall be no further amendment or debate but pending amendments shall be put in their order before the main question. If the previous question be decided in the negative, the main question remains before the Council.

(6) Motion to amend. A motion to amend is susceptible of but one amendment thereof. An amendment once rejected may not be moved again in the same form.

(7) Motion on question of privilege. Questions of privilege shall be:

(a) Those affecting the rights of Council collectively, its safety, dignity and the integrity of its proceedings;

(b) The rights, reputation and conduct of the members of Council individually, in their capacity as such members. A question of privilege shall have precedence over all questions except a motion to adjourn.

(g) Suspension of Rules Relating to Reading Resolutions and Ordinances. Resolutions and ordinances of a permanent or general nature must be fully read on three different days unless the rules are dispensed with, pursuant to R.C. 731.17, upon an affirmative vote of three-fourths of all members of Council. The vote on such suspension shall be taken by yeas and nays, separately on each resolution or ordinance, and the Fiscal Officer shall enter such vote in the minute book together with the names of members voting yea and nay.

(h) Robert's Rules of Order. Except as otherwise provided in this section, Robert's Rules of Order shall govern the deliberations of Council.

121.03 REPORTS TO COUNCIL.

(a) Each department head is hereby requested to report to Council regarding activities in his department during the month. A report shall be submitted monthly.

(b) The departments affected by this section are:

- (1) Mayor;
- (2) Fiscal Officer;
- (3) Police Department;
- (4) Road Department/Village Engineer; and,
- (5) Zoning Inspector.

121.04 USE OF VILLAGE STATIONERY.

Council members are hereby authorized to use Village stationery when sending correspondence only when the content of the correspondence is concerning action taken by either a committee of Council, acting as a committee or by Council, as a body.

121.05 PAY SCALE.

The pay scale for members of Council is as follows:

(a) For Council terms beginning January 1, 2012, members shall receive two hundred fifty dollars (\$250.00) per month.

(b) For Council terms beginning January 1, 2014, members shall receive two hundred fifty dollars (\$250.00) per month

(c) For Council terms beginning January 1, 2016, members shall receive two hundred and fifty dollars (\$250.00) per month.

(d) For Council terms beginning January 1, 2018, members shall receive two hundred and fifty dollars (\$250.00) per month. All Council members whose term begins thereafter shall be paid two hundred and fifty dollars (\$250.00) per month.